

Cote, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY COMPANY as
Administrator for RELIANCE INSURANCE COMPANY,
Plaintiff,

vs.

DORMITORY AUTHORITY - STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,

Defendants.

DORMITORY AUTHORITY OF THE STATE OF NEW
YORK and TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY;
BARTEC INDUSTRIES INC.; DAYTON SUPERIOR
SPECIALTY CHEMICAL CORP. a/k/a DAYTON
SUPERIOR CORPORATION; SPECIALTY
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER
CASUALTY INSURANCE COMPANY d/b/a KEMPER
INSURANCE COMPANY; GREAT AMERICAN
INSURANCE COMPANY; NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA.; UNITED
STATES FIRE INSURANCE COMPANY; NORTH
AMERICAN SPECIALTY INSURANCE COMPANY;
ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.
f/k/a COMMERCIAL UNDERWRITERS INSURANCE
COMPANY; ZURICH AMERICAN INSURANCE
COMPANY d/b/a ZURICH INSURANCE COMPANY;
ASSURANCE COMPANY OF AMERICA; OHIO
CASUALTY INSURANCE COMPANY d/b/a OHIO
CASUALTY GROUP; HARLEYSVILLE MUTUAL
INSURANCE COMPANY (a/k/a HARLEYSVILLE
INSURANCE COMPANY.); JOHN DOES 1-20 and XYZ

Case No. 07-CV-6915 (DLC)
ECF CASE

Consolidated with
Case No. 08-CV-6239

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STIPULATION OF
DISCONTINUANCE
WITHOUT PREJUDICE
OF CERTAIN
CROSS-CLAIMS,
COUNTERCLAIMS AND
THIRD-PARTY CLAIMS
ALLEGED BY TRAVELERS
CASUALTY AND SURETY
COMPANY, TRATAROS
CONSTRUCTION, INC., and
KOHN PEDERSEN FOX
ASSOCIATES, P.C.,

CORPS. 1-19,

Fourth-Party Defendants.

KOHN PEDERSEN FOX ASSOCIATES, P.C.,

Third-Party Plaintiff,

vs.

WEIDLINGER ASSOCIATES CONSULTING ENGINEERS,
P.C., CASTRO-BLANCO PISCIONERI AND ASSOCIATES,
ARCHITECTS, P.C., ARQUITECTONICA NEW YORK,
P.C., COSENTINI ASSOCIATES, INC., CERMAK,
PETERKA PETERSEN, INC., JORDAN PANEL SYSTEMS
CORP., TRATAROS CONSTRUCTION, INC. and LBL
SKYSYSTEMS (U.S.A.), INC.,

Third-Party Defendants.

In Re:

G.M. CROCETTI, INC.,
Debtor.

G.M. CROCETTI, INC.,
Plaintiff,

v.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,
Defendants.

TRATAROS CONSTRUCTION, INC. and TRAVELERS
CASUALTY AND SURETY COMPANY,

Third Party Plaintiffs,

v.

DORMITORY AUTHORITY - STATE OF NEW YORK;
TDX CONSTRUCTION CORP.; KOHN PEDERSEN FOX
ASSOCIATES, P.C.; CAROLINA CASUALTY
INSURANCE COMPANY; BARTEC INDUSTRIES INC.;
DAYTON SUPERIOR SPECIALTY CHEMICAL CORP.
a/k/a DAYTON SUPERIOR CORPORATION; ZURICH
AMERICAN INSURANCE COMPANY; ASSURANCE
COMPANY OF AMERICA; OHIO CASUALTY
INSURANCE COMPANY; HARLEYSVILLE
INSURANCE COMPANY OF NEW JERSEY; JOHN

Case No. 08-CV-6239 (DLC)
ECF CASE
(Consolidated Action)

DOES 1-20 and XYZ CORPS. 1-20,
Third Party Defendants.

WHEREFORE on or about February 19, 2010, Kohn Pedersen Fox Associates, P.C. ("KPF") filed a motion for summary judgment seeking dismissal of the affirmative claims alleged against KPF by Travelers Casualty and Surety Company ("Travelers") in the action entitled Travelers Casualty and Surety Company v. Dormitory Authority - State of New York, et al., Case No. 07-CV-6915 (DLC) (the "Travelers Action"); and

WHEREFORE on or about August 11, 2010 the Court entered an Opinion and Order disposing of KPF's motion for summary judgment, *inter alia*; it is hereby

STIPULATED AND AGREED that Travelers' "Cross-Claims Against Defendants TDX and KPF," pleaded by Travelers in "Plaintiff's Answer to Counterclaims Asserted By Dormitory Authority - State of New York with Cross-Claims" filed in the Travelers Action, is hereby discontinued without prejudice as against KPF, and without costs; and it is

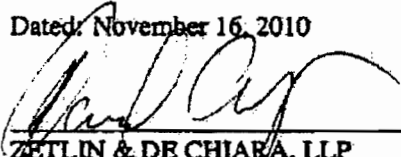
FURTHER STIPULATED AND AGREED that the "Cross-Claim Against KPF and Counterclaim Against TDX," pleaded by Trataros Construction, Inc. ("Trataros") in "Trataros Construction, Inc.'s Answer to Third-Party Complaint" filed in the Travelers Action, is hereby discontinued without prejudice as against KPF, and without costs; and it is

FURTHER STIPULATED AND AGREED that the causes of action alleged against Trataros by KPF in "Defendant Kohn Pedersen Fox Associates, P.C.'s Third-Party Complaint," filed in the Travelers Action, are hereby discontinued without prejudice as against Trataros, and without costs; and it is

FURTHER STIPULATED AND AGREED that this Stipulation may be filed without further notice with the Clerk of the Court, may be executed in counterpart, and facsimile and/or

photocopied signatures shall have the same force and effect as original signatures.

Dated: November 16, 2010



ZETLIN & DE CHIARA, LLP


By: David Abramovitz, Esq. (DA- _____)

Attorneys for Kohn Pedersen Fox
Associates, P.C.

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New York, New York 10017

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DREIFUSS BONACCI & PARKER, LLP

By: Eli J. Rogers (EJR-6564)

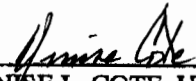
Counsel for Travelers Casualty & Surety Co.
and Trataros Construction, Inc.

26 Columbia Turnpike, North Entrance

Florham Park, New Jersey 07932

Tel. No. (973) 514-1414

SO ORDERED:


HON. DENISE L. COTE, U.S.D.J.
Nov. 22, 2010
BC